

Honorable Judge Benjamin Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLYDE RAY SPENCER,

Plaintiff,

v.

SHARON KRAUSE and MICHAEL
DAVIDSON,

Defendants.

No. C11-5424BHS

PROPOSED PRETRIAL ORDER

TRIAL DATE: January 7, 2014

Pursuant to FRCP 16 and Western District Local Court Rule 16, the Court enters the following Pretrial Order:

I. FEDERAL JURISDICTION

Plaintiff brings claims pursuant to 42 U.S.C. § 1983. This Court has jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1343.

II. CLAIMS AND DEFENSES

In light of the summary judgment orders issued by the presiding Court, plaintiff expects to pursue the following claims at trial, seeking compensatory damages: (1) Deliberate fabrication of evidence depriving plaintiff of his constitutional rights against defendant Krause and defendant Davidson pursuant to 42 U.S.C. § 1983; (2) Malicious prosecution depriving plaintiff of his constitutional rights against defendant Krause and defendant Davidson pursuant to 42 U.S.C. § 1983; (3) False arrest and false imprisonment depriving plaintiff of his constitutional rights against defendant Krause and defendant Davidson pursuant to 42 U.S.C. §

1 1983; (4) Conspiracy to deprive plaintiff of his constitutional rights against defendant Krause
 2 and defendant Davidson pursuant to 42 U.S.C. § 1983; and (5) Defendant Davidson, as the
 3 supervisor of defendant Krause, is fully liable pursuant to 42 U.S.C. § 1983 for the acts of
 4 defendant Krause depriving plaintiff of his constitutional rights. (Defendants object to and
 5 dispute plaintiff's characterization and summary of this Court's prior rulings and his remaining
 6 claims.)

7 In light of the Court's summary judgment rulings, defendants Davidson and Krause
 8 intend to pursue the following affirmative defenses and/or claims for relief at trial: qualified
 9 immunity. In denying defendants' summary judgment motions based on qualified immunity
 10 the Court concluded there is a genuine issue of material fact for the jury to decide; specifically
 11 whether quotations in police reports were deliberately fabricated by defendants. (Plaintiff
 12 objects to and disputes the defendants' characterization and summary of this Court's prior
 13 rulings.) If the jury resolves this question of fact in defendants' favor, defendants should be
 14 entitled to qualified immunity. (Plaintiff objects to and disputes this conclusion.)

15 **III. ADMITTED FACTS**

16 The following facts are admitted by the parties:

- 17 1. Plaintiff married DeAnne Spencer ("DeAnne") in 1971.
- 18 2. Plaintiff and DeAnne had two children together. Matthew Spencer ("Matt
 19 Spencer") was born on November 28, 1975, and Kathryn Spencer (now Kathryn Tetz, referred
 20 to hereafter as "Kathryn") was born on January 13, 1979.
- 21 3. Plaintiff became a police officer with the Vancouver, Washington Police
 22 Department in 1979.
- 23 4. Plaintiff and DeAnne divorced in 1981.

1 5. Plaintiff met Shirley Hansen (“Shirley”) in 1982 and married her in 1983.
2 Shirley adopted plaintiff’s last name, becoming Shirley Spencer.

3 6. Shirley had a son from a prior relationship, Matthew Hansen, who was born on
4 February 20, 1980.

5 7. As of August 1984, plaintiff, Shirley, and Matthew Hansen resided together in
6 Vancouver, Washington.

7 8. As of August 1984, defendant Krause was a detective at the Clark County
8 Sheriff’s Office.

9 9. As of August 1984, defendant Davidson, a detective at the Clark County
10 Sheriff’s Office, was defendant Krause’s supervisor and the sergeant of the detectives unit.

11 10. On January 2, 1985, the Clark County Prosecutor’s Office filed an Information
12 charging plaintiff with statutory rape and indecent liberties against Kathryn.

13 11. On February 28, 1985, the Clark County Prosecutor’s Office filed an Amended
14 Information charging plaintiff with multiple counts of statutory rape and indecent liberties
15 against Kathryn and Matthew Hansen.

16 12. On May 3, 1985, the Clark County Prosecuting Attorney’s Office filed a Second
17 Amended Information charging plaintiff with multiple counts of statutory rape and complicity
18 to statutory rape against Kathryn, Matthew Hansen, and Matt Spencer.

19 13. On May 10, 1985, plaintiff pled not guilty to the crimes charged.

20 14. On May 16, 1985, plaintiff changed his plea to an *Alford* plea.

21 15. On May 16, 1985, plaintiff was convicted of the crimes charged.

22 16. On May 23, 1985, plaintiff was sentenced to consecutive life terms of
23 imprisonment with the possibility of parole to run consecutive to a 171-month prison term.
24

1 conclude defendant Davidson and defendant Krause lacked probable cause to believe plaintiff
2 Spencer had committed a crime?

3 4. Whether there is a legally sufficient evidentiary basis for a reasonable jury to
4 conclude defendant Davidson's and defendant Krause's involvement in the arrest of plaintiff
5 Spencer was based on a facially invalid arrest warrant issued by the Clark County Superior
6 Court?

7 5. Whether there is a legally sufficient evidentiary basis for a reasonable jury to
8 conclude prosecutors failed to exercise independent judgment when deciding to file criminal
9 charges against plaintiff Spencer, and when seeking a warrant for his arrest?

10 6. Whether there is a legally sufficient evidentiary basis for a reasonable jury to
11 conclude Clark County Superior Court judges failed to exercise independent judgment when
12 finding there was probable cause to arrest and charge plaintiff Spencer?

13 7. Whether there is a legally sufficient evidentiary basis for a reasonable jury to
14 conclude Clark County Superior Court judges failed to exercise independent judgment when
15 finding in 1985 there was ample evidence for a jury to conclude plaintiff Spencer was guilty of
16 the crimes he was charged with, and when concluding plaintiff Spencer should be convicted
17 pursuant to his *Alford* plea and imprisoned for life?

18 8. Whether there is a legally sufficient evidentiary basis for a reasonable jury to
19 conclude defendant Davidson participated in, directed or ratified any alleged unconstitutional
20 conduct by defendant Krause, or set in motion acts which caused defendant Krause to inflict a
21 constitutional injury?

22 9. Whether there is a legally sufficient evidentiary basis for a reasonable jury to
23 conclude defendant Davidson and defendant Krause conspired, by entering into an agreement
24 between themselves, to deliberately fabricate false evidence by misquoting or misrepresenting

1 the children's statements in order to frame plaintiff Spencer for a crime they knew or should
2 have known he did not commit?

3 10. Whether there is a legally sufficient evidentiary basis for a reasonable jury to
4 conclude defendant Davidson or defendant Krause proximately caused plaintiff Spencer's
5 prosecution and imprisonment pursuant to his *Alford* plea?

6 11. Whether there is a legally sufficient evidentiary basis for a reasonable jury to
7 conclude the prosecutor's and/or the court's independent judgments summarized above were
8 not superseding or intervening causes of plaintiff Spencer's alleged injuries?

9 **V. EXPERT WITNESSES¹**

10 The names and address of the expert witnesses proposed to be used by each party at the
11 trial and the issue upon which each is proposed to testify is:

12 **(1) On behalf of plaintiff:**

13 **David Raskin, Ph.D. – will testify**
14 59975 Eider Avenue
Homer, Alaska 99603

15 Dr. Raskin is a Professor Emeritus of psychology at the University of
16 Utah and a certified polygraph examiner. Dr. Raskin is an expert in polygraph
17 techniques and procedures. Dr. Raskin will provide opinion testimony
18 consistent with his expert report and deposition, including but not limited to,
19 opinion testimony on matters related to the procedures, results, and utilization of
the polygraph examinations conducted in this case, and his conclusion that
Defendant Krause's representation that plaintiff scored a "minus thirteen" is
contrary to Dr. Abrams' report.

20 **(2) On behalf of defendants:**

21 **Phillip Esplin, Ed.D. – will testify**
22 7131 E. Buena Terra Way
23 Scottsdale, AZ 85253

24 ¹ Plaintiff and defendants have filed motions in limine seeking to bar all or part of the opposing party's proposed expert testimony.

Dr. Esplin will provide opinion testimony consistent with his expert report, including but not limited to, opinion testimony that during the 1984-85 time period the training and education received by field professionals was that false allegations of sexual abuse by children were extremely rare, the reasons why children are sometimes reluctant to disclose sexual abuse, the reconstructive nature of memory and the extent of knowledge among field professionals about such issues during the 1984-85 time period, matters related to recantations, the dynamics that commonly lead to recantations, the reliability of the same, and, if the medical reports regarding Kathryn Spencer and Matt Hanson are admitted over defendants' objections, the reasons why corroborating medical evidence is frequently lacking in child sexual abuse cases.

Rebecca Roe, J.D. – will testify

500 Central Building
810 Third Avenue
Seattle, WA 98104

Ms. Roe will provide opinion testimony consistent with her expert reports and her deposition, including but not limited to, the existence of probable cause to arrest and charge plaintiff Spencer, and the dynamics underlying children's disclosures and non-disclosures of abuse based on her training and experience. Ms. Roe also will testify as a fact witness regarding her involvement in the investigation and prosecution of plaintiff Spencer (*e.g.*, Exhibit A-5), as well as her knowledge regarding defendant Krause's experience in conducting child interviews, and her integrity and work ethic.

VI. OTHER WITNESSES²

The parties have filed motions in limine regarding the testimony of various proposed witnesses. The parties reserve the right to call all witnesses listed by an opposing party. Pursuant to LCR 16(i)(4), the parties also reserve the right to call rebuttal witnesses, the necessity of whose testimony cannot reasonably be anticipated before trial. With those reservations made, the names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

(a) On behalf of plaintiff:

- 1. Clyde Ray Spencer, Ph.D. – will testify**
c/o Kathleen T. Zellner & Associates, P.C.

² The parties have conferred and agreed to submit the deposition(s) each intends to offer at trial instead of live testimony, complete with highlighting and objections pursuant to Local Rule 32(e), by December 17, 2013.

1901 Butterfield Road, Suite 650
Downers Grove, Illinois 60515

Dr. Spencer is the plaintiff in this case. He is expected to testify as to all aspects relating to liability and damages, including but not limited to matters related to his life prior to his arrest, the circumstances surrounding his arrest, the circumstances surrounding his prosecution and imprisonment, his life in prison, and his life after release.

2. **Kathryn Elizabeth Tetz (formerly Spencer) – will testify**
881 O Street
Lincoln, California 95648

Ms. Tetz (Spencer) is plaintiff's daughter. Ms. Tetz (Spencer) is expected to testify about matters related to her life and observations before, during, and after plaintiff's incarceration, including but not limited to, her childhood with plaintiff, the circumstances surrounding law enforcement interviews of her, the investigation of plaintiff and her involvement in the investigation, statements attributed to her by defendants, her life while plaintiff was incarcerated, her relationship with plaintiff since his release, and her observation of plaintiff's damages.

3. **Matthew Ray Spencer – will testify**
12155 Tributary Point Drive, #147
Gold River, California 95670

Mr. Spencer is plaintiff's son. Mr. Spencer is expected to testify about matters related to his life and observations before, during, and after plaintiff's incarceration, including but not limited to, his childhood with plaintiff, the circumstances surrounding law enforcement interviews of him, the investigation of plaintiff and his involvement in the investigation, statements attributed to him by defendants, his life while plaintiff was incarcerated, his relationship with plaintiff since his release, and his observation of plaintiff's damages.

4. **Arthur Curtis – will testify**
1013 Franklin Street
Vancouver, Washington 98660

Mr. Curtis was the elected Prosecuting Attorney for Clark County at the time plaintiff was charged and convicted. Mr. Curtis is expected to testify to matters related to the decision to prosecute plaintiff in 1984 and 1985, as well as matters related to, and information learned during, plaintiff's post-conviction and post-release efforts, from 1984 to present.

5. **Ann Link, Ph.D. – will testify by deposition**
5801 North Avenue
Carmichael, California 95608

1 Dr. Link is unavailable for trial pursuant to FRCP 32(a)(4)(B) and will
2 testify through her deposition taken on December 17, 2012.

- 3 6. **Leo Clark – will testify**
25413 NE 13th Street
4 Camas, Washington 98607

5 Leo Clark is expected to testify to matters related to his friendship with
6 plaintiff, his visits to him while in county jail, his knowledge of the case, his
knowledge of Shirley Spencer, and interactions with Sharon Krause.

- 7 7. **Lois Clark – will testify**
25413 NE 13th Street
8 Camas, Washington 98607

9 Lois Clark is expected to testify to matters related to her friendship with
10 plaintiff, her visits to him while in county jail, her knowledge of the case, her
knowledge of Shirley Spencer, and interactions with Sharon Krause.

- 11 8. **Shirley Spencer – will testify**
18102 NE Cole Witter Road
12 Battle Ground, Washington 98604

13 Shirley Spencer married plaintiff in 1983 and divorced him in 1985. Ms.
14 Spencer is expected to testify as to matters related to her relationship and
divorce with plaintiff, any and all documents purportedly signed by plaintiff, her
15 knowledge and involvement in the investigation, imprisonment, and prosecution
of plaintiff, statements attributed to her by defendants and others, her
16 involvement and knowledge of plaintiff's case to present, and all aspects of her
relationship with defendant Davidson.

- 17 9. **Menona Landrum – will testify by deposition**
The Springs of Napa
18 3460 Villa Lane
Napa, California 94558

19 Menona Landrum is unavailable for trial pursuant to FRCP 32(a)(4)(B)
20 and will testify through her deposition taken on March 8, 2013.

- 21 10. **Karen Stone Matlin – will testify**
6308 NE 44th Circle
22 Vancouver, Washington 98661

23 Ms. Stone Matlin is expected to testify as to matters related to her
24 knowledge of the investigation of plaintiff, her involvement with law
enforcement and the defendants, statements and conversations attributed to her

by defendants, and her observations of plaintiff and his children.

11. **Lynda Harper – will testify**
16214 NE 12th Street
Vancouver, Washington 98684

Ms. Harper is expected to testify as to matters related to her employment at the Clark County jail and her observations of plaintiff while he was incarcerated, particularly her observations of plaintiff before, during, and after certain individuals visited plaintiff.

12. **Detective Patrick Flood – possible witness only**
4142 Quiet Meadow Court
Fair Oaks, California 95628

Detective Flood is expected to testify as to matters related to his involvement in the investigation of Plaintiff.

13. **Defendant Sharon Krause – possible witness only**
2185 E. Emerald River Court
Fort Mohave, Arizona 86426

Defendant Krause is expected to testify as to matters related to her reports and documents she created or produced during discovery, as well as her role in the investigation, prosecution, and imprisonment of plaintiff.

14. **Michael Davidson – possible witness only**
6949 SE Mark Road
Prineville, Oregon 97754

Defendant Davidson is expected to testify as to matters related to his relationship with Shirley Spencer, documents he created throughout the case or produced during discovery, and his role in the investigation, prosecution, and imprisonment of plaintiff.

15. **Kathryn Magee, M.D. – possible witness only**
PO Box 519
Tuba City, Arizona 86045

If necessary, Dr. Magee might be called to authenticate and discuss her report of the pelvic examination of Kathryn Spencer dated August 30, 1984.

16. **Manuel Galaviz, M.D. – possible witness only**
14406 NE 20th Avenue
Vancouver, Washington 98616

1 If necessary, Dr. Galaviz might be called to authenticate and discuss his
2 report of the examination of Matthew Hansen dated March 6, 1985.

3 17. **James Peters – possible witness only**

800 E. Park Boulevard, Suite 600
Boise, Idaho 83712

4 Mr. Peters was a deputy prosecuting attorney in the Clark County
5 Prosecuting Attorney's Office at the time of plaintiff's arrest and prosecution.
6 Mr. Peters is expected to testify as to matters related to plaintiff's arrest,
7 prosecution, and post-conviction activities, as well as matters regarding the case
8 since plaintiff's release.

9 18. **Dennis Hunter – possible witness only**

1013 Franklin Street
Vancouver Washington, 98660

11 Mr. Hunter is expected to testify to matters related to his involvement in
12 and knowledge of plaintiff's post-conviction and post-release activities.

13 19. **Tim Hammond – possible witness only**

1013 Franklin Street
Vancouver, Washington 98660

14 Mr. Hammond is expected to testify to matters related to his involvement
15 in and knowledge of plaintiff's post-conviction and post-release activities.

16 20. **Michael Kinnie – possible witness only**

1013 Franklin Street
Vancouver, Washington 98660

17 Mr. Kinnie is expected to testify to matters related to his involvement in
18 and knowledge of plaintiff's post-conviction and post-release activities.

19 21. **Peter Camiel – possible witness only**

710 Cherry Street
Seattle, Washington 98104

20 Mr. Camiel is expected to testify as to his fees and representing plaintiff
21 in his post-conviction efforts, and to authenticate documents he has knowledge
22 of, if necessary.

23 **(b) On behalf of defendants:**

24 1. **Clyde Ray Spencer – will testify**

c/o Kathleen T. Zellner & Associates, P.C.
1901 Butterfield Road, Suite 650

Downers Grove, Illinois 60515

Identified as a witness in plaintiff's Pretrial Statement. Mr. Spencer will be cross-examined based on matters related to information produced in discovery.

2. **Kathryn Elizabeth Tetz (formerly Spencer) – will testify**
881 O Street
Lincoln, California 95648

Identified as a witness in plaintiff's Pretrial Statement. Mrs. Tetz will be cross-examined based on matters related to information produced in discovery.

3. **Matthew Ray Spencer – will testify**
12155 Tributary Point Drive, #147
Gold River, California 95670

Identified as a witness in plaintiff's pretrial Statement. Mr. Spencer will be cross-examined based on matters related to information produced in discovery.

4. **Arthur Curtis – will testify**
1013 Franklin Street
Vancouver, Washington 98660

Identified as a witness in plaintiff's Pretrial Statement. Mr. Curtis was the elected Prosecuting Attorney for Clark County at the time plaintiff was arrested, charged and convicted. Mr. Curtis is expected to testify concerning matters related to the decisions to prosecute plaintiff and other admissible matters and exhibits discussed in his deposition, as well as his knowledge regarding defendants Davidson's and Krause's integrity and work ethic, and defendant Krause's experience in conducting child interviews.

5. **Shirley Spencer – will testify**
18102 NE Cole Witter Road
Battle Ground, Washington 98604

Identified as a witness in plaintiff's Pretrial Statement. Ms. Spencer is expected to testify concerning matters related to her relationship with plaintiff and her later relationship with defendant Davidson, her knowledge and involvement in the investigation and prosecution of plaintiff, and other admissible matters discussed in her deposition.

6. **Sharon Krause – will testify**
2185 E. Emerald River Court
Fort Mohave, Arizona 86426

Identified as a witness in plaintiff's Pretrial Statement. Defendant Krause is expected to testify concerning matters related to her reports and documents she created or produced during discovery, her role in the investigation, arrest and prosecution of plaintiff, and others admissible matters discussed in her deposition and discovery responses.

7. **Michael Davidson – will testify**
22862 Sage Ct.
Bend, Oregon 97701

Identified as a witness in plaintiff's Pretrial Statement. Defendant Davidson is expected to testify concerning matters related to his relationship with Shirley Spencer, documents produced during discovery, his role in the investigation, arrest and prosecution of plaintiff, and other admissible matters discussed in his deposition.

8. **James Peters – will testify**
800 E. Park Boulevard, Suite 600
Boise, Idaho 83712

Identified as a witness in plaintiff's Pretrial Statement. Mr. Peters is expected to testify concerning matters related to plaintiff's arrest, prosecution and imprisonment, and other admissible matters and exhibits discussed in his deposition (*e.g.*, Exhibits A-8 through A-12), including his knowledge regarding defendants Davidson's and Krause's integrity and work ethic, and defendant Krause's experience in conducting child interviews.

9. **Matthew Hansen – will testify**
18102 NE Cole Witter Road
Battle Ground, Washington 98604

Mr. Hansen is expected to testify about his knowledge of plaintiff Spencer's sexual abuse of children, including himself, and his involvement in the investigation involving plaintiff, including his interactions with defendant Krause.

10. **DeAnne Spencer – will testify by videotaped deposition**
7618 Lakewood Park Drive
Sacramento, California 95828

Ms. Spencer is unavailable for trial pursuant to FRCP 32(a)(4)(B) and will testify through her videotaped deposition taken on November 16, 2012.

11. **Robert Songer – will testify**
926 Glover Street
Goldendale, Washington 98620

Mr. Songer was Undersheriff for the Clark County Sheriff's Office, including during the 1984-1985 time period. He will testify about the jail procedures for law enforcement interviews of jail inmates, how inmate complaints were handled, and when he became aware of defendant Davidson's relationship with Shirley Spencer. He also will testify regarding his knowledge of defendant Krause's report to the Sheriff of a Sheriff's Office employee's involvement with an alleged sex offense victim, as well as his knowledge regarding defendants Davidson's and Krause's integrity and work ethic, and defendant Krause's experience in conducting child interviews.

12. **Roger Kessel – will testify**

2618 Esther
Vancouver, Washington 98660

Mr. Kessel was a detective in the Clark County Sheriff's Office during the 1980's who will testify regarding his knowledge of defendant Krause's report to the Sheriff of a Sheriff's Office employee's involvement with an alleged sex offense victim, as well as defendant Krause's experience in conducting child interviews, her and Davidson's integrity and work ethic, as well as his knowledge concerning when defendant Davidson first stated his intention of dating Shirley Spencer, and defendant Krause's reaction to learning of this relationship.

13. **Bill Griffith – will testify**

13104 NE 12th Ave.
Vancouver, Washington 98685

Defendant Davidson lived with Mr. Griffith for several months after Mr. Davidson separated from his wife in 1985, after plaintiff Spencer pled guilty and was sentenced to prison. Mr. Griffith will testify that defendant Davidson did not begin dating Shirley Spencer or begin living with her until months after plaintiff Spencer pled guilty and was sentenced to prison.

14. **Leland Davis – will testify**

10804 NW Oxbow Ridge Ct.
Vancouver, Washington 98665

Mr. Davis is the former Chief of the Vancouver Police Department. He is expected to testify about his knowledge and recollections of plaintiff Spencer while plaintiff was an employee of the Vancouver Police Department, the Vancouver Police Department's internal investigation of plaintiff Spencer, the reasons why he believed there was, at a minimum, probable cause to terminate plaintiff Spencer, as well as defendants Davidson's and Krause's integrity and work ethic, and defendant Krause's experience in conducting child interviews. If necessary, Mr. Davis also will authenticate and provide testimony regarding Vancouver Police Department records pertaining to plaintiff Spencer (*e.g.*, Exhibits A-17, A-18 and A-19).

1 15. **Thomas Lodge – will testify**

2 9451 W. Tonto Lane
3 Peoria, Arizona 85382

4 Mr. Lodge is a retired Clark County Superior Court Judge who presided
5 over plaintiff Spencer's criminal proceeding. He is expected to testify about his
6 knowledge of defendant Krause's experience in investigating allegations of
7 child sexual abuse, and her integrity and work ethic. If necessary, Mr. Lodge
8 also will authenticate and provide testimony regarding plaintiff's plea and
9 sentencing documents (*e.g.*, Exhibits A-8, A-10, A-11 and A-12).

10 16. **James Rulli – possible witness only**

11 1200 Franklin Street
12 Vancouver, Washington 98660

13 Mr. Rulli was plaintiff's former defense attorney. He is expected to
14 testify about his knowledge and recollections of the investigation, prosecution
15 and conviction of plaintiff.

16 17. **Joe Dunegan – possible witness only**

17 707 W. 13th St.
18 Vancouver, Washington 98660

19 Mr. Dunegan was an employee of the Clark County Sheriff's Office
20 assigned to the jail when plaintiff Spencer was incarcerated there. He will
21 testify about the jail procedures for law enforcement interviews of jail inmates,
22 as well as his knowledge regarding defendants Davidson's and Krause's
23 integrity and work ethic.

24 18. **Kevin McGovern, Ph.D. – possible witness only**

 1732 NW Quimby St.
 Portland, Oregon 97296

 Dr. McGovern evaluated plaintiff in March 1985 at the request of
 plaintiff's criminal defense attorney, James Rulli. If plaintiff's counsel objects
 to the authenticity and/or admissibility of defendants' exhibits pertaining to Dr.
 McGovern's evaluation of plaintiff (*e.g.*, Exhibits A-6 and A-7), Dr. McGovern
 will be called to authenticate those exhibits and lay the necessary foundation for
 admissibility.

VI. EXHIBITS

At this time, the parties intend to present exhibits in electronic format to jurors. The parties anticipate offering the exhibits listed in the tables below at trial.³ The parties reserve the right to utilize exhibits listed in an opposing party's exhibit list.

(a) Plaintiff's Exhibits:

Exh.	Description	Authenticity Disputed (Y/N)	Admissibility Disputed (Y/N)	Admissibility Stipulated (Y/N)
1.	Photo of Ray Spencer (air traffic control)		Y	
2.	Photo of Ray Spencer (motorcycle officer)		Y	
3.	Photo of Ray Spencer with his children		Y	
4.	Continuation Report of Patrick Flood (Ray Spencer interview), 8.29.84 (Spencer-00400-00401)			Y
5.	Incident Report of R. Stephenson, 8.30.84 (Spencer-05368-05369)			Y
6.	Written statement of Shirley Spencer (Spencer-05373-05379)			Y
7.	Utility Report of Sharon Krause (contacts with Ray and Shirley Spencer), varied dates (Spencer-05471-05483) (subject to redaction under Federal Rules of Evidence)			Y
8.	Utility Report of Sharon Krause (arrest of Ray Spencer), 2.28.85 (Spencer-05739-05743)			Y
9.	Quit Claim Deed to 17681 Lucia Falls Road, Yacolt Washington,		Y	

³ Pursuant to LCR 16(h)(6), the parties are not required to list exhibits that will be used for impeachment only.

	3.15.85 (Spencer006060-006063, Exhibit C to Declaration of Ray Spencer dated Dec. 12, 2012)			
10.	Retirement Check of Clyde Ray Spencer, 2.20.85 (Spencer006058)		Y	
11.	Utility Report of Sharon Krause (interview of Kathryn Spencer), 10.16.84 (Spencer-05657-5671)			Y
12.	Utility Report of Sharon Krause (interview of Kathryn Spencer), 10.18.84 (Spencer-05433-05444)			Y
13.	Utility Report of Sharon Krause (interview of Kathryn Spencer), 3.25.85 (Spencer-05780-05787)			Y
14.	Utility Report of Sharon Krause (interview of Matthew Spencer), 10.17.84 (Spencer-05410-05420)			Y
15.	Utility Report of Sharon Krause (interview of Matt Spencer), 3.25.85 (Spencer-05766-05779)			Y
16.	Utility Report of Sharon Krause (interview of Shirley Spencer and Matt H.), 2.27-28.85 (00000546-00000568) (subject to redaction under Federal Rules of Evidence)			Y
17.	Utility Report of Sharon Krause (interview of Matt Hansen), 3.7.85 (Spencer-05752-05756)			Y
18.	Utility Report of Sharon Krause (interview of Matt Hansen), 3.21.85 (Spencer-05757-05765) (subject to redaction under Federal Rules of Evidence)			Y
19.	Notice of Intent to Use Statements Pursuant to RCW 9A.44.120, 5.10.85 (Spencer-00062)			Y

20.	Letter from Ray Spencer to Norma (Spencer006228)		Y	
21.	Conditional Commutation of Clyde Ray Spencer signed by Governor Locke, 12.23.04 (Spencer004291-004293)		Y	
22.	Published Opinion (Court of Appeals), 10.13.09 (Spencer004796-004814) (subject to redaction under Federal Rules of Evidence)		Y	
23.	Order Denying Motion for Reconsideration, 12.22.09 (Spencer005223-005224) (subject to redaction under Federal Rules of Evidence)		Y	
24.	Ruling Denying Review (Wash. Sup. Ct.), 7.12.10 (Spencer-07653-07659) (subject to redaction under Federal Rules of Evidence)		Y	
25.	Order granting Ray Spencer' Motion to Withdraw plea, and vacating judgment and sentence, 9.29.10 (Spencer-08329)		Y	
26.	Motion and Order for Dismissal, 9.29.10 (Spencer-08887)			Y
27.	Ray Spencer's current list of prescription medications	Y	Y	
28.	Still photo of exterior of prison taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
29.	Still photo of exterior of prison taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
30.	Still photo of exterior of prison taken from 20/20 "Kids Recant" video (Spencer005616)		Y	

31.	Information, 1.2.85 (Spencer-00017)			Y
32.	Motion and Affidavit for Arrest Warrant, 2.28.85 (Spencer-04957-04961)			Y
33.	Amended Information, 2.28.85 (Spencer-04965-04966)			Y
34.	Second Amended Information, 5.3.85 (Spencer-04974-04978)			Y
35.	Letter from Arthur Curtis to Howard Goodfriend, 7.1.92 (Spencer-08902)		Y	
36.	Stephanie Rice, "Former cop's life sentence is commuted," The Columbian, 12.31.04 (Spencer005610-005612)		Y	
37.	Letter from Arthur Curtis to Governor, attn: Clemency and Pardons Board, 2.6.07 (Spencer004294-004297)		Y	
38.	DVD video of the Videotaped Interview of Kathryn Spencer on 12.11.84 (Spencer005615)		Y	
39.	Shelley Plate Transcript of the Videotaped Interview of Kathryn Spencer on 12.11.84 (revised version, sent to counsel via email on 10.22.13)	Y	Y	
40.	DVD of James Peters interview of Kathryn Spencer captioned with text of Shelley Plate transcript	Y	Y	
41.	Michael Davidson's Petition for Dissolution of Marriage, 12.10.85 (Spencer006179-006181)			Y
42.	Linda Davidson's Response to Petition for Dissolution and Counter-Petition, 1.10.86 (Spencer006169-006173)			Y

43.	Letter from Dr. Stanley Abrams to Michael Davidson, 10.11.84 (Spencer-00443)			Y
44.	Medical examination report of Matthew Hansen, 3.6.85 (Spencer-02969-02971)	Y	Y	
45.	Ken Olsen and Stephanie Rice, "Reversal of Fortune: Release from prison doesn't mean freedom, ex-cop finds," The Columbian, 10.10.05 (no bates, produced by Defendant Davidson)		Y	
46.	Shirley Spencer Petition for Dissolution of Marriage, 6.5.85 (Spencer006126-006135)			Y
47.	Utility Report of Sharon Krause (interview of Shirley Spencer), 2.22.85 (Spencer-05506-05513) (subject to redaction under Federal Rules of Evidence)			Y
48.	Deeds related to property at 18308 N.E. Cole Witter Road, 4.23.85 (Spencer006184-006191)		Y	
49.	Declaration of Menona Landrum, 2.4.13 (Exhibit 2 of Menona Landrum Deposition)		Y	
50.	Therapeutic/Diagnostic Procedures Report of Kathryn Spencer, 8.30.84 (Spencer-00439-00441)		Y	
51.	Utility Report of Sharon Krause (Release of Information signed by DeAnne), 10.5.84 (Spencer-00435-00436)			Y
52.	Utility Report of Sharon Krause (Kathryn's therapeutic/diagnostic report), 10.12.84 (Spencer-00438)		Y	

53.	Clark County Sheriff's Office Index, 8.30.84 (Spencer-00544-0545)		Y	
54.	Clark County Sheriff's Office Index, 11.8.84 (no bates, disclosed by Defendant Davidson; also Exhibit 4 to James Peters habeas deposition; also Exhibit 2 of Sharon Krause deposition)	Y	Y	
55.	Rebecca Roe's Report, 11/27/84 (Spencer000411-000413)			Y
56.	Detective Sharon A. Krause, Clark County Sheriff's Office, Behavioral Indicators That May be Consistent with Child Sexual Abuse (KRAUSE00082-00088)			Y
57.	Detective Sharon A. Krause, Clark County Sheriff's Office, Investigating Child Sexual Abuse Allegations (KRAUSE00034-00042)			Y
58.	Detective Sharon A. Krause, Clark County Sheriff's Office, Preparing Effective Investigative Reports (with handwritten notes) (KRAUSE00057-00063)			Y
59.	Curriculum Vitae of Sharon Ann Krause (KRAUSE00001-00008)			Y
60.	Utility Report of Sharon Krause (DeAnne Spencer polygraph on 10.16.84), undated (Spencer-00524-00527)			Y
61.	Utility Report of Sharon Krause (interview of Karen Stone), 10.2.84 (Spencer-05388-05394) (subject to redaction under Federal Rules of Evidence)			Y
62.	Utility Report of Sharon Krause (interview of DeAnne Spencer), 10.18.84 (Spencer-05605-05626)			Y

	(subject to redaction under Federal Rules of Evidence)			
63.	Still photo of Matt Spencer, Kathryn Spencer, and Matt Hansen taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
64.	Still photo of Matt Spencer with Kathryn Spencer taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
65.	Still photo of Matt Spencer in baseball uniform taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
66.	Still photo of Matt Spencer (close up) taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
67.	Still photo of Matt Spencer before dance taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
68.	Continuation Report of Patrick Flood (Matt Spencer Interview), 8.29.84 (Spencer-00405)			Y
69.	Letter addressed from Matthew Spencer to Governor Locke, 3.2.03 (Spencer-04819)			Y
70.	Declaration of Matthew Spencer, 2/27/06 (Spencer – 004262 – 004266)			Y
71.	Letter from Matthew Spencer to the Clemency Board, 7.7.06 (Spencer004270)		Y	
72.	Transcript of Hearing Before the Honorable Robert Lewis (testimony of Matthew Spencer and Kathryn Tetz only), 7/10/09 (Spencer – 004622- 004709, line 6,			Y

1		and 004725 [reporter's certification])			
2	73.	Curriculum Vitae of David C. Raskin, Ph.D.		Y	
3					
4	74.	Expert Report of David C. Raskin, Ph.D., 9.26.12 (Exhibit 1 of Deposition of David C. Raskin, Ph.D., 12.5.12)		Y	
5					
6	75.	Declaration of Ann Link (Exhibit 1 to Ann Link Deposition)		Y	
7					
8	76.	Still photo of Kathryn Spencer fishing taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
9					
10	77.	Still photo of Kathryn Spencer with Ray Spencer taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
11					
12	78.	Still photo of Kathryn Spencer with Ray Spencer (Kathryn on horse) taken from 20/20 "Kids Recant" video (Spencer005616)		Y	
13					
14	79.	Continuation Report of Patrick Flood (Kathryn Spencer Interview), 8.29.84 (Spencer-00404)			Y
15					
16	80.	Affidavit of Kathryn Spencer, 1/23/07 (Spencer – 004267)			Y
17					
18	81.	Declaration of Kathryn Spencer, 9/14/07 (Spencer- 004268 – 004269)			Y
19					
20	82.	Information/Complaint filed by Domestic Violence Prosecution Center in State v. Hansen, case no. 205066D, 10.19.11		Y	
21					
22	83.	Statement of Defendant on Plea of Guilty in State v. Hansen, case no.		Y	
23					
24					

1		205066D, 11.9.11			
2	84.	Clark County District Court Docket for State v. Hansen, case no. 205066D, 10.19.11 – 10.2.13		Y	
3					
4	85.	Judgment and Sentence in State v. Hansen, case no. 205066D, 11.9.11		Y	
5					
6	86.	Order Rescinding No Contact Order in State v. Hansen, case no. 205066D, 11.9.11		Y	
7					
8	87.	Order to Return to Court in State v. Hansen, case no. 205066D, 1.12.12		Y	
9					
10	88.	Warrant Executed in State v. Hansen, case no. 205066D, 1.12.12		Y	
11					
12	89.	Arrest Warrant in State v. Hansen, case no. 205066D, 2.8.12		Y	
13					
14	90.	Information filed by Clark County Prosecuting Attorney's Office in Hansen v. State, case no. 298680, 10.19.09		Y	
15					
16	91.	Clark County District Court Docket for Hansen v. State, case no. 298680, 10.16.09 – 6.29.12		Y	
17					
18	92.	Judgment and Sentence in Hansen v. State, case no. 298680, 10.19.09		Y	
19					
20	93.	Information filed in Hansen v. State, case no. 09-1-01790-5, 10.28.09		Y	
21					
22	94.	Release Order in Hansen v. State, case no. 09-1-01790-5, 10.29.09		Y	
23					
24	95.	Flood Report indicating all investigation and medical findings sent to Clark County (Spencer002602, Exhibit 4 to Krause habeas deposition)		Y	

96.	Demonstrative Exhibit – timeline		Y	
97.	Demonstrative Exhibit – identification of parties and witnesses		Y	
98.	Demonstrative Exhibit		Y	
99.	Demonstrative Exhibit		Y	
100.	Demonstrative Exhibit		Y	
101.	Demonstrative Exhibit		Y	

(b) Defendants' Exhibits

Exh.	Description	Authenticity Disputed (Y/N)	Admissibility Disputed (Y/N)	Admissibility Stipulated (Y/N)
A-1	Crime Report of Patrick Flood (Assist Outside Agency), 8/29/84 (Spencer-00398-00399)			Y
A-2	Continuation Report of Patrick Flood (Shirley Spencer interview), 8/29/84 (Spencer-00402-00403)			Y
A-3	Continuation report of Patrick Flood (DeAnne Spencer Interview), 8/29/84 (Spencer-00406-00407)		Y	
A-4	Clark County Sheriff Department Case Assignment, 8.31.84 (Spencer- 00425)			Y
A-5	Utility Report of R. Stephenson, 8/30/84 (Spencer-05371-05379)	Y	Y	
A-6	Utility Report of Sharon Krause (interview of Phyllis Day), 10/17/84 (Spencer – 00486-00488)		Y	
A-7	Utility Report of Sharon Krause (interview of Kathryn Roe), 10/17/84		Y	

1		(Spencer – 00490-00493)			
2	A-8	Utility Report of Sharon Krause (interview of Linda Lawrence), 10/18/84 (Spencer – 00495-00499)		Y	
3					
4	A-9	Rebecca Roe's Report, 11/27/84 (Spencer - 000411-000413)		Y	
5					
6	A-10	Utility Report of Sharon Krause (investigation complete), 12.20.84 (Spencer-00543)			Y
7					
8	A-11	ROR Release Agreement, 1.3.85 (Spencer-00019)			Y
9					
10	A-12	Letter from Arthur Curtis to Norm Maleng of King County, 1.9.85 (Spencer-05082)			Y
11					
12	A-13	Incident Report of Donald Kerr, Jr., 2.3.85 (Spencer-05493-05500)		Y	
13					
14	A-14	Order Directing Issuance of Warrant of Arrest, 2.28.85 (Spencer-00037- 00038)		Y	
15					
16	A-15	Clark County Sheriff's Office Incident Report of Gary Lentz (arrest of plaintiff), 2/28/85 (Spencer – 00590- 00591)		Y	
17					
18	A-16	Dr. Kevin McGovern's handwritten notes of interview of plaintiff Spencer, 3/27/85 (Spencer - 000836-000840)	Y	Y	
19					
20	A-17	Plaintiff Spencer's handwritten responses to Incomplete Sentences Blank – College Form administered by Dr. Kevin McGovern, undated (Spencer – 000856 – 000857)	Y	Y	
21					
22					
23	A-18	Verbatim Report of Proceedings in State v. Clyde Ray Spencer, Clark County No. 85-1-0007-2 before Judge Thomas Lodge, May 3, 16 and		Y	
24					

1		23, 1985 (Exhibit 8 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)			
2					
3	A-19	Letter from James Peters to Barb Linde of King County, 5.9.85 (Spencer-05085)			Y
4					
5	A-20	Plea (Not Guilty), 5.10.85 (Spencer-00063)			Y
6					
7	A-21	James Peters' handwritten notes of James Rulli's interviews of Matt Spencer, Kathryn Spencer, Cornelia Nickl and Ann Link, 5/9/85 (Spencer 000545-000557)	Y	Y	
8					
9					
10	A-22	Statement of Defendant on Plea of Guilty, 5/16/1985 (Spencer 001357 – 001359)		Y	
11					
12	A-23	Judgment and Sentence, Counts I and II, 5/23/85 (Spencer – 000695- 000696)		Y	
13					
14	A-24	Findings of Fact, Conclusions of Law and Judgment and Sentence (Prison), Counts III, VII, IX, X, XII, XIII, XIV, XV and XVI, 5/23/85 (Spencer – 000440 – 000444)		Y	
15					
16					
17	A-25	Michael Davidson's Reply to Counter-Petition, 1.20.86 (Spencer006160)		Y	
18					
19	A-26	Declaration of Matthew Spencer, 2/27/06 (Spencer – 004262 – 004266)			Y
20					
21	A-27	Affidavit of Kathryn Spencer, 1/23/07 (Spencer – 004267)			Y
22					
23	A-28	Declaration of Kathryn Spencer, 9/14/07 (Spencer- 004268 – 004269)			Y
24					

1				
2	A-29	Transcript of Hearing Before the Honorable Robert Lewis (testimony of Matthew Spencer and Kathryn Tetz only), 7/10/09 (Spencer – 004622- 004709, line 6, and 004725 [reporter’s certification])		Y
3				
4				
5	A-30	Chief Leland Davis’ Letter regarding the Vancouver Police Department’s internal affairs investigation of Ray Spencer, 1/29/85 (Spencer – 00712- 00715)	Y	Y
6				
7				
8	A-31	Notice of Dismissal of Clyde Ray Spencer from the Vancouver Police Department, signed by Chief Leland Davis and City Manager Paul Grattet, 1/8/85 (Spencer – 00716-719; Exhibit 3 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)	Y	Y
9				
10				
11				
12				
13	A-32	Bill of Particulars supporting Notice of Dismissal of Clyde Ray Spencer from the Vancouver Police Department, 1/15/85 (Spencer – 00723-724; Exhibit 3 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y
14				
15				
16				
17				
18	A-33	Exhibit 4 to the Deposition of Menona Landrum taken on March 18, 2013 (examples of her signatures)		Y
19				
20	A-34	James Rulli’s Letter to Dr. Henry Dixon (attaching checks from Shirley Spencer to pay for Dr. Dixon’s fees), 5/17/85 (Spencer – 000592)	Y	Y
21				
22				
23	A-35	Ray Spencer Answer to Petition for Dissolution of Marriage, 9.30.85 (Spencer006104)		Y
24				

1				
2	A-36	Training records of Sharon Krause (Krause 00009-12 and 00018-19)		Y
3				
4	A-37	Outline <i>Dealing with the Parents of the Child Victim</i> from Krause training records (Krause 00090-94)		Y
5				
6	A-38	Roland C. Summitt, M.D. <i>The Child Sexual Abuse Accommodation Syndrome</i> from Krause training records (Krause 00192-201)	Y	Y
7				
8	A-39	October 13, 1980 Seminar Bulletin <i>The Sexually Abused Child: A Preventative Approach</i> from Krause seminar materials (Krause 00306-307)	Y	Y
9				
10	A-40	November 13 & 14, 1981 Seminar Bulletin <i>The Sexually Abused Child and the Offender, Detection, Litigation, Treatment Issues and Sentencing Alternatives</i> from Krause seminar materials (Krause 00310-311)	Y	Y
11				
12	A-41	May 14 & 15, 1982 Seminar Bulletin <i>The Sexually Abused Victim and the Offender, Detection, Litigation, Treatment and Sentencing Issues</i> from Krause seminar materials (Krause 00312-313)	Y	Y
13				
14	A-42	September 29 – October 2, 1983 Seminar Bulletin <i>The Sexually Abused Child: Detection, Litigation, Treatment and Sentencing Alternatives</i> from Krause seminar materials (Krause 00319-320)	Y	Y
15				
16	A-43	February 2-4, 1984 Seminar Bulletin <i>Sexual Assault, Rape, Incest, and Child Molestation, Profile of the</i>	Y	Y
17				
18				
19				
20				
21				
22				
23				
24				

1		Offender from Krause seminar materials (Krause 00321-322)			
2					
3	A-44	February 11-13, 1985 Seminar Bulletin <i>Understanding the Impact of Child Sexual Abuse</i> from Krause seminar materials (Krause 00329-330)	Y	Y	
4					
5	A-45	March 30, 1979 letter from La Center Public Schools Superintendent George Kontos to Clark County Sheriff Frank Kanekoa (Krause 00449)	Y	Y	
6					
7	A-46	April 30, 1979 letter from Robinson A. Williams, M.S.W. to Clark County Sheriff Frank Kanekoa (name of suspect redacted) (Krause 00450)	Y	Y	
8					
9	A-47	July 25, 1979 letter from Robinson A. Williams, M.S.W. to Clark County Sheriff Frank Kanekoa (name of suspect redacted) (Krause 00452)	Y	Y	
10					
11	A-48	December 6, 1979 letter from State of Washington, Department of Social and Health Services, CPS staff at Vancouver office to Clark County Sheriff Frank Kanekoa (Krause 00453)	Y	Y	
12					
13	A-49	September 2, 1980 letter from Elahan Staff Clinicians and Phone Screener to Sharon Krause (Krause 00468)	Y	Y	
14					
15	A-50	January 30, 1987 letter from U.S. Department of Justice, Federal Bureau of Investigation Special Agent John T. Gordon to Clark County Sheriff Frank Kanekoa	Y	Y	
16					
17					
18					
19					
20					
21					
22					
23					
24					

	(Krause 00470)			
A-51	December 2, 1988 letter from Washington State Patrol Chief George B. Tellevik to Clark County Sheriff Frank Kanekoa (name of WSP employee/suspect redacted) (Krause 00479)	Y	Y	
A-52	Demonstrative Exhibit – Timeline		Y	

As indicated above, defendant Davidson and defendant Krause object to the admissibility of selected post-trial rulings by Governor Locke and various courts that plaintiff Spencer offers as exhibits (*see, e.g.*, plaintiff's Exhibit Nos. 21-24). In the event defendants' objections to these exhibits are overruled, defendants will offer the following court rulings as Exhibits:

Exh.	Description	Authenticity Disputed (Y/N)	Admissibility Disputed (Y/N)	Admissibility Stipulated (Y/N)
A-53	Order Dismissing Petition, In re the Personal Restraint Petition of Clyde Ray Spencer, Court of Appeals No. 11798-3-II, 8/16/88 (Exhibit 10 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
A-54	Order Dismissing Petition, In re the Personal Restraint Petition of Clyde Ray Spencer, Court of Appeals No. 12735-1-II, 9/28/89 (Exhibit 11 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
A-55	Ruling Denying Motion for Discretionary Review, In re the Personal Restraint Petition of Clyde Ray Spencer, Supreme Court No.		Y	

1		56572-4, 11/30/89 (Exhibit 12 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)			
2					
3					
4	A-56	Judgment in a Civil Case, Order on Summary Judgment Motions and Denying Habeas Petition and attached 11/15/94 Report and Recommendation of U.S. Magistrate, Clyde Raymond Spencer v. Joseph Klauser, et al., U.S.D.C. No. C94-5238RJB, 12/23/94 (Exhibit 13 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
5					
6					
7					
8					
9					
10					
11	A-57	Memorandum Decision, Clyde Raymond Spencer v. Joseph Klauser and Christine Gregoire, 9 th Cir. No. 95-35113, 11/30/95 (Exhibit 14 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
12					
13					
14					
15	A-58	Judgment in a Civil Case, and Order Including Findings of Fact and Conclusions of Law, Clyde Raymond Spencer v. Joseph Klauser, et al., U.S.D.C. No. C94-5238RJB, 9/26/96 (Exhibit 15 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
16					
17					
18					
19					
20	A-59	Memorandum Decision, Clyde Raymond Spencer v. Joseph Klauser and Christine Gregoire, 9 th Cir. No. 96-36139, 10/30/97 (Exhibit 16 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
21					
22					
23					
24					

1	A-60	Order Denying Petition, In re the Personal Restraint Petition of Clyde Ray Spencer, Court of Appeals No. 24044-1-II, 6/20/00 (Exhibit 17 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
2					
3	A-61	Order Clarifying Reference Hearing Order, In re the Personal Restraint Petition of Clyde R. Spencer, Court of Appeals No. 37229-1-II, 4/29/09 (Exhibit 21 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
4					
5	A-62	Order Denying Motion for Reconsideration, State v. Clyde Ray Spencer, Clark Co. No. 85-1-00007-2, 7/28/09 (Exhibit 23 to Declaration of Jeffrey Freimund in Support of Summary Judgment for Defendants, dated 5/11/12)		Y	
6					
7					
8					
9					
10					
11					
12					
13					
14					

VII. ACTION BY THE COURT

(a) This case is scheduled for trial before a jury on January 7, 2014, at 9:00 a.m.

(b) Trial briefs shall be submitted to the Court on or before December 17, 2013.

(c) Proposed and requested jury instructions shall be submitted to the Court on or before December 17, 2013. Suggested questions of either party to be asked of the jury by the Court on voir dire shall be submitted to the Court on or before December 17, 2013.

(d) A final pretrial conference pursuant to LCR 16(l) is set for December 19, 2013, at 2:00 p.m.

1 This order has been approved by the parties as evidenced by the signatures of their
2 counsel. This order shall control the subsequent course of the action unless modified by a
3 subsequent order. This order shall not be amended except by order of the court pursuant to
4 agreement of the parties or to prevent manifest injustice.

5
6 DATED this ____ day of December, 2013.

7
8 _____
HONORABLE BENJAMIN H. SETTLE
9 United States District Judge

10
11 FORM APPROVED

12
13 /s/ Kathleen T. Zellner
ATTORNEYS FOR PLAINTIFF
KATHLEEN T. ZELLNER, admitted *pro hac vice*
14 DOUGLAS H. JOHNSON, admitted *pro hac vice*
Kathleen T. Zellner & Associates, P.C.
15 1901 Butterfield Road, Suite 650
Downers Grove, Illinois 60515
16 Phone: (630) 955-1212
Fax: (630) 955-1111
17 kathleen.zellner@gmail.com

18
19 /s/ Daniel T. Davies
ATTORNEY FOR PLAINTIFF
DANIEL T. DAVIES, WSBA # 41793
20 Local counsel
David Wright Tremaine LLP
21 1201 Third Avenue, Suite 2200
Seattle, Washington 98101-3045
22 Phone: (206) 757-8286
Fax: (206) 757-7286
23 Email: dandavies@dwt.com

1 s/ Jeffrey A.O. Freimund

ATTORNEY FOR DEFENDANT MICHAEL DAVIDSON

2 JEFFREY A. O. FREIMUND, WSBA No. 17384

Freimund Jackson & Tardif, PLLC

3 711 Capitol Way South, Suite 602

Olympia, WA 98502

4 Telephone: (360) 534-9960

Fax: (360) 534-9959

5 Email: jefff@fjtlaw.com

6 s/ Guy Bogdanovich

7 ATTORNEY FOR DEFENDANT SHARON KRAUSE

GUY BOGDANOVICH, WSBA No. 14777

8 Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S.

2674 RW Johnson Blvd. SW

9 Tumwater, WA 98512

Telephone: (360) 754-3480

10 Fax: (360) 357-3511

Email: gbogdanovich@lldkb.com